

Title 22: HEALTH AND WELFARE
Chapter 406: FAMILY PLANNING SERVICES

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Maine Revised Statutes
Title 22: HEALTH AND WELFARE
Chapter 406: FAMILY PLANNING SERVICES

§1901. LEGISLATIVE INTENT

The Legislature finds that family planning services are not sufficiently available as a practical matter to many persons in this State; that unwanted conception may place severe medical, emotional, social and economic burdens on the family unit and that it is desirable that inhibitions and restrictions to the delivery of family planning services be reduced so that all persons desiring and needing such services shall have ready and practicable access thereto in appropriate settings sensitive to their needs and beliefs. The Legislature therefore declares that it is consistent with public policy to make available comprehensive medical knowledge, assistance and services relating to family planning. [1973, c. 624, §1 (NEW).]

SECTION HISTORY
1973, c. 624, §1 (NEW).

§1902. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings. [1973, c. 624, §1 (NEW).]

1. Contraceptive procedures. "Contraceptive procedures" means any medically accepted procedure to prevent conception when performed by or under the direction of a physician on a requesting and consenting patient.

[1973, c. 624, §1 (NEW) .]

1-A. Comprehensive family life education. "Comprehensive family life education" means education in kindergarten to grade 12 regarding human development and sexuality, including education on family planning and sexually transmitted diseases, that is medically accurate and age appropriate; that respects community values and encourages parental communication; that develops skills in communication, decision making and conflict resolution; that contributes to healthy relationships; that promotes responsible sexual behavior with an emphasis on abstinence; that addresses the use of contraception; that promotes individual responsibility and involvement regarding sexuality; and that teaches skills for responsible decision making regarding sexuality.

[2001, c. 654, §1 (NEW) .]

2. Contraceptive supplies. "Contraceptive supplies" means those medically approved drugs, prescriptions, rhythm charts, devices and other items designed to prevent conception through chemical, mechanical, behavioral or other means.

[1973, c. 624, §1 (NEW) .]

3. Family planning. "Family planning" means informed and voluntary self-determination of desired family size and of the timing of child bearing based upon comprehensive knowledge of factors pertinent to this determination.

[1973, c. 624, §1 (NEW) .]

4. Family planning services. "Family planning services" means counseling with trained personnel regarding family planning, contraceptive procedures and the treatment of infertility; distribution of literature relating to family planning, contraceptive procedures and the treatment of infertility; referral of patients to physicians or health agencies for consultation, examination, tests, medical treatment and prescription for the purposes of family planning, contraceptive procedures and treatment of infertility and provision of contraceptive procedures and contraceptive supplies by those qualified to do so under the laws of this State.

[1973, c. 624, §1 (NEW) .]

5. Physician. "Physician" means any doctor of medicine or doctor of osteopathy duly licensed to practice his profession in this State.

[1973, c. 624, §1 (NEW) .]

6. Person. "Person" means any person regardless of sex, race, number of children, marital status, motive and citizenship.

[1973, c. 624, §1 (NEW) .]

SECTION HISTORY

1973, c. 624, §1 (NEW). 2001, c. 654, §1 (AMD).

§1903. AUTHORITY AND POLICY

It shall be the policy and authority of this State that: [1973, c. 624, §1 (NEW) .]

1. Availability. Family planning services shall be readily and practicably available to all persons desiring and needing such services;

[1973, c. 624, §1 (NEW) .]

2. Consistent with public policy. The delivery of family planning services by duly authorized persons in all agencies and instrumentalities of this State is consistent with public policy;

[1973, c. 624, §1 (NEW) .]

3. Refusal. Nothing in this chapter shall inhibit a physician from refusing to furnish family planning services when the refusal is for medical reasons; and

[1981, c. 470, Pt. A, §73 (AMD) .]

4. Objections. No private institution or physician or no agent or employee of such institution or physician shall be prohibited from refusing to provide family planning services when such refusal is based upon religious or conscientious objection.

[1973, c. 624, §1 (NEW) .]

SECTION HISTORY

1973, c. 624, §1 (NEW). 1981, c. 470, §A73 (AMD).

§1904. RULES AND REGULATIONS

The Commissioner of Health and Human Services is authorized and directed to adopt rules and regulations and establish programs to enable the Department of Health and Human Services, either directly or under contractual arrangements with other organizations, to promptly implement this chapter. [1975, c. 293, §4 (AMD); 2003, c. 689, Pt. B, §§6, 7 (REV).]

SECTION HISTORY

1973, c. 624, §1 (NEW). 2003, c. 689, §§B6,7 (REV).

§1905. FUNDS

The Department of Health and Human Services is authorized to receive and disburse such funds as may be available to it for family planning services to any nonprofit organization, public or private, engaged in providing such services. Family planning programs administered by the Department of Health and Human Services may be developed in consultation, coordination or on a contractual basis, with other family planning agencies in this State, including, but not limited to, the Family Planning Association of Maine, Inc., and its affiliates. [1975, c. 293, §4 (AMD); 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

1973, c. 624, §1 (NEW). 1975, c. 293, §4 (AMD). 2003, c. 689, §B6 (REV).

§1906. AVAILABILITY

To the extent family planning funds are available, the Department of Health and Human Services shall provide family planning services to medically indigent persons eligible for such services as determined by rules and regulations promulgated by the Commissioner of Health and Human Services. Family planning services shall also be available to all others who are unable to reasonably obtain these services privately, at a reasonable cost to be determined by the rules and regulations promulgated by the commissioner. Any funds so collected shall be retained by the department for the support of these services. [1975, c. 293, §4 (AMD); 2003, c. 689, Pt. B, §§6, 7 (REV).]

SECTION HISTORY

1973, c. 624, §1 (NEW). 1975, c. 293, §4 (AMD). 2003, c. 689, §§B6,7 (REV).

§1907. REFUSAL

The refusal of any person to accept family planning services shall not affect the right of such person to receive public assistance or public health services or to avail himself of any other public benefit. The employees of agencies engaged in the administration of this chapter shall recognize that the right to make decisions concerning family planning is a fundamental personal right of the individual and nothing in this chapter shall in any way abridge such right nor shall any individual be required to state his reasons for refusing the offer of family planning services. [1973, c. 624, §1 (NEW).]

SECTION HISTORY

1973, c. 624, §1 (NEW).

§1908. MINORS

Family planning services may be furnished to any minor who is a parent or married or has the consent of his or her legal guardian or who may suffer in the professional judgment of a physician probable health hazards if such services are not provided. [1973, c. 624, §1 (NEW).]

SECTION HISTORY

1973, c. 624, §1 (NEW).

§1909. CONSTRUCTION

This chapter shall be construed to protect the rights of all persons to pursue their religious beliefs, to follow the dictates of their own consciences, to prevent imposition upon any person's moral standards and to respect the right of every person to self-determination in respect to family planning. [1973, c. 624, §1 (NEW).]

SECTION HISTORY

1973, c. 624, §1 (NEW).

§1910. COMPREHENSIVE FAMILY LIFE EDUCATION SERVICES

The commissioner shall undertake initiatives to implement effective, comprehensive family life education services. In providing such services, the commissioner shall contract with local family planning programs to provide: [2001, c. 654, §2 (NEW).]

1. Training. Training for teachers, parents and community members in the development and implementation of comprehensive family life education curriculum and in planning for an evaluation component as part of comprehensive school health education;

[2001, c. 654, §2 (NEW) .]

2. Staff. Resource staff persons to provide expert training, curriculum development and implementation and evaluation services on a statewide basis;

[2001, c. 654, §2 (NEW) .]

3. Forums. Funding to promote and coordinate community and youth forums in communities identified as having high needs for comprehensive family life education;

[2001, c. 654, §2 (NEW) .]

4. Issue management; policy development training. Funding for issue management and policy development training for school boards, superintendents, principals and administrators across the State; and

[2001, c. 654, §2 (NEW) .]

5. Recognition of performance. Funding for grants to school-based comprehensive family life education programs to recognize outstanding performance and share strategies for success.

[2001, c. 654, §2 (NEW) .]

SECTION HISTORY

2001, c. 654, §2 (NEW).

§1911. PARENTAL OPTION

To the extent that comprehensive family life education takes place in a school, a parent may choose to not have that parent's child participate in a comprehensive family life education program. [2001, c. 654, §2 (NEW).]

SECTION HISTORY

2001, c. 654, §2 (NEW).

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